

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

January 24, 2007

[Cite as *01/24/2007 Case Announcements*, 2007-Ohio-152.]

MERIT DECISIONS WITH OPINIONS

2005-2209, 2005-2368, 2005-2369, and 2005-2370. Discount Cellular, Inc. v. Pub. Util. Comm., 2007-Ohio-53.

Public Utilities Commission, Nos. 04-236-RC-CSS, 05-190-RC-CSS, 05-811-RC-CSS, and 05-812-RC-CSS. Orders affirmed.

Moyer, C.J., Klatt, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

Pfeifer, J., concurs in judgment only.

William A. Klatt, J., of the Tenth Appellate District, was assigned to sit for Resnick, J., whose term ended on January 1, 2007.

Cupp, J., whose term began on January 2, 2007, did not participate in the consideration or decision of this case.

MERIT DECISIONS WITHOUT OPINIONS

2006-1985. Oke v. Nicholson.

In Prohibition. On motion to dismiss. Motion to dismiss granted. Cause dismissed.

Moyer, C.J., Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger and Cupp, JJ., concur.

2006-2049. State ex rel. Rickels v. Court of Appeals, Third Appellate Dist.

In Mandamus. On motion to dismiss. Motion to dismiss granted. Cause dismissed.

Moyer, C.J., Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.

Cupp, J., not participating.

2006-2081. State ex rel. Griffin v. Smith.

In Mandamus. On relator's motions for default judgment, judgment on the pleadings, summary judgment, injunctive relief, sanctions, and damages and motion alleging unauthorized practice of law. On S.Ct.Prac.R. X(5) determination, cause dismissed. All motions denied as moot.

Moyer, C.J., Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger and Cupp, JJ., concur.

2006-2114. State ex re. Vince v. Fuerst.

In Mandamus. On answer of respondent. On S.Ct.Prac.R. X(5) determination, cause dismissed.

Moyer, C.J., Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger and Cupp, JJ., concur.

2006-2130. State ex rel. Yeager v. Slaby.

In Mandamus and Prohibition. On relator's motion for leave to waive requirement of Civ.R. 36(A) and respondents' motions to dismiss and to strike first request for production of documents. Motion to dismiss granted. Motions for leave and to strike denied as moot. Cause dismissed.

Moyer, C.J., Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger and Cupp, JJ., concur.

2006-2144. Gregory v. Wilson.

In Habeas Corpus. On petition for writ of habeas corpus of David A. Gregory Jr. Sua sponte, cause dismissed.

Moyer, C.J., Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger and Cupp, JJ., concur.

2006-2145. Campbell v. Wilson.

In Habeas Corpus. On petition for writ of habeas corpus of Robert E. Campbell. Sua sponte, cause dismissed.

Moyer, C.J., Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger and Cupp, JJ., concur.

2006-2153. Martin v. Wolfe.

In Habeas Corpus. On petition for writ of habeas corpus of Michael Martin III. Sua sponte, cause dismissed.

Moyer, C.J., Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger and Cupp, JJ., concur.

2006-2159. Amstutz v. Eberlin.

In Habeas Corpus. On petition for writ of habeas corpus of Ricky L. Amstutz and petitioner's motion to allow petition for writ of habeas corpus.

Sua sponte, cause dismissed. Motion to allow petition denied as moot.

Moyer, C.J., Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger and Cupp, JJ., concur.

2006-2162. King v. Am. Std. Ins. Co. of Ohio.

Lucas App. No. L-06-1306, 2006-Ohio-5774. On review of order certifying a conflict. The court determines that no conflict exists. This cause is therefore dismissed.

Pfeifer, O'Connor, Lanzinger and Bryant, JJ., concur.

Moyer, C.J., Lundberg Stratton and O'Donnell, JJ., dissent.

Peggy Bryant, J., of the Tenth Appellate District, sitting for Cupp, J.

2006-2195. Moore v. Lamneck.

In Habeas Corpus. On petition for writ of habeas corpus of Elton Moore. Sua sponte, cause dismissed.

Moyer, C.J., Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger and Cupp, JJ., concur.

2006-2197. Price v. Hassinger.

In Habeas Corpus. On petition for writ of habeas corpus of Russell R. Price Jr. and respondent's motion to dismiss. Motion to dismiss granted. Cause dismissed.

Moyer, C.J., Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger and Cupp, JJ., concur.

2006-2236. Sandlin v. Saunders.

In Habeas Corpus. On petition for writ of habeas corpus of Nicholas Sandlin. Sua sponte, cause dismissed.

Moyer, C.J., Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger and Cupp, JJ., concur.

2006-2317. Wepler v. Jeffreys.

In Habeas Corpus. On petition for writ of habeas corpus of Joseph Wepler. Sua sponte, cause dismissed.

Moyer, C.J., Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger and Cupp, JJ., concur.

MOTION AND PROCEDURAL RULINGS

2006-0185. State v. Siler.

Ashland App. No. 02 COA 028, 164 Ohio App.3d 680, 2005-Ohio-6591. On motion for admission pro hac vice of Alice Anna Phillips by Ramona Francesconi Rogers. Motion granted.

2006-0690. Toledo v. Tellings.

Lucas App. No. L-04-1224, 2006-Ohio-975. On motion for admission pro hac vice of Debora M. Bresch by Scott J. Saum. Motion granted.

2006-1443. Columbia Gas Transm. Corp. v. Wilkins.

Board of Tax Appeals, No. 2003-K-1876. On motion for admission pro hac vice of Andrea Wolfman by Maryann B. Gall. Motion granted.

2006-1471. Cincinnati School Dist. Bd. of Edn. v. Hamilton Cty. Bd. of Revision.

Board of Tax Appeals, No. 2005-B-1275. On joint motion to vacate the decision of the Board of Tax Appeals. The decision of the Board of Tax Appeals in this case is vacated, and the cause is remanded to the Board of Tax Appeals to implement the settlement agreement of the parties.

2006-1861. Filippi v. Ahmed.

Cuyahoga App. No. 86927, 2006-Ohio-4368. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause held for the decision in 2005-2137 and 2005-2384, *Gehm v. Timberline Post & Frame*, Summit App. No. 22479, 2005-Ohio-5222; cause consolidated with 2006-1950, *Filippi v. Ahmed*, Cuyahoga App. No. 86927, 2006-Ohio-4368; and briefing schedule stayed.

2006-2006. State ex rel. Bd. of the State Teachers Retirement Sys. of Ohio v. Davis.

Hamilton App. No. C-060760. On motion for stay of court of appeals' judgment. Motion denied.

2006-2036. State v. Lindsey.

Franklin App. Nos. 06AP-189, 06AP-190 and 06AP-191, 2006-Ohio-5203. On review of order certifying a conflict. The court determines that a conflict exists.

Sua sponte, cause held for the decision in 2006-1245 and 2006-1383, *State v. Payne*, Franklin App. No. 05AP-517, 2006-Ohio-2552; cause consolidated with 2006-2035, *State v. Lindsey*, Franklin App. Nos. 06AP-189, 06AP-190 and 06AP-191, 2006-Ohio-5203; and briefing schedule stayed.

Pfeifer, J., dissents.

2006-2056. State ex rel. Mun. Constr. Equip. Operators' Labor Council. v. Cleveland.

In Mandamus. On answer of respondent. Alternative writ granted, and the following briefing schedule is set for presentation of evidence and filing of briefs pursuant to S.Ct.Prac.R. X:

The parties shall file any evidence they intend to present within 20 days of the date of this entry; relators shall file their brief within 10 days of the filing of the evidence; respondents shall file their brief within 20 days after the filing of relators' brief; and relators may file a reply brief within 7 days after filing of respondents' brief.

2006-2070. State v. Dennis.

Franklin App. No. 05AP-1290, 2006-Ohio-5777. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause held for the decision in 2006-1245 and 2006-1383, *State v. Payne*, Franklin App. No. 05AP-517, 2006-Ohio-2552; cause consolidated with 2006-2042, *State v. Dennis*, Franklin App. No. 05AP-1290, 2006-Ohio-5777; and briefing schedule stayed.

Pfeifer, J., dissents.

2006-2078. Burya v. Lake Metroparks Bd. of Park Commrs.

Lake App. No. 2005-L-015, 2006-Ohio-5192. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause held for the decision in 2005-1993 and 2005-2032, *Elston v. Howland Local Schools*, Trumbull App. No. 2004-T-0092, 2005-Ohio-4765; cause consolidated with 2006-2094, *Burya v. Lake Metroparks Bd. of Park Commrs.*, Lake App. No. 2005-L-015, 2006-Ohio-5192; and briefing schedule stayed.

2006-2146. State v. Green.

Montgomery App. No. 21254, 2006-Ohio-4397. On motion for leave to file delayed appeal. Motion denied.

Moyer, C.J., Pfeifer and Lundberg Stratton, JJ., dissent.

2006-2148. State v. Warren.

Cuyahoga App. No. 86854, 2006-Ohio-4104. On motion for leave to file delayed appeal. Motion granted.

Moyer, C.J., O'Donnell and Lanzinger, JJ., dissent.

2006-2154. State v. Johnson.

Butler App. No. CA2005-10-422, 2006-Ohio-5195. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated at page 3 of the court of appeals' Entry filed October 31, 2006:

"Whether a trial court is required to impose consecutive sentences when a defendant is convicted of multiple counts of an offense listed in R.C. 2929.13(F)."

Moyer, C.J., and Lanzinger, J., dissent.

The conflict case is *State v. Sharp*, Allen App. No. 1-02-06, 2002-Ohio-2342.

2006-2156. State v. Day.

Cuyahoga App. No. 79368, 2002-Ohio-669 and 2005-Ohio-281. On motion for leave to file delayed appeal. Motion denied.

2006-2183. Hutchings v. Childress.

Delaware App. No. 05CAE05-031, 2006-Ohio-3925. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated at page 2 of the court of appeals' Judgment Entry filed November 17, 2006:

"Whether spouses can recover the income lost due to one spouse caring for another or whether they may only recover the cost to hire outside home health care."

Moyer, C.J., O'Donnell and Lanzinger, JJ., dissent.

The conflict case is *Depouw v. Bichette*, 162 Ohio App.3d 336, 2005-Ohio-3695.

Sua sponte, cause consolidated with 2006-1703, *Hutchings v. Childress*, Delaware App. No. 05CAE05-031, 2006-Ohio-3925.

2006-2196. State v. Patterson.

Tuscarawas App. No. 06AP080044. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, Lanzinger and Cupp, JJ., dissent.

2006-2198. State v. Hall.

Butler App. No. CA2005-08-217, 2006-Ohio-4206. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lundberg Stratton, JJ., dissent.

2006-2203. State v. Bindus.

Cuyahoga App. No. 87812. On motion for leave to file delayed appeal. Motion denied.

2006-2224. State v. Wickard.

Hancock App. No. 5-05-30, 2006-Ohio-6088. On motion for stay of enforcement of sentence pending appeal. Motion denied.

Lundberg Stratton and O'Connor, JJ., dissent.

2006-2235. State v. Pena.

Franklin App. No. 03AP-174, 2004-Ohio-350. On motion for leave to file delayed appeal. Motion denied.

2006-2262. State v. Cover.

Henry App. No. 7-05-12. On motion for leave to file delayed appeal. Motion denied.

2006-2270. State v. Gilbert.

Cuyahoga App. No. 86773, 2006-Ohio-3595. On motion for leave to file delayed appeal. Motion denied.

Moyer, C.J., and Pfeifer, J., dissent.

2006-2283. State v. Paige.

Cuyahoga App. No. 88752. On motion for leave to file delayed appeal. Motion denied.

2006-2340. Al Minor & Assoc., Inc. v. Martin.

Franklin App. No. 06AP-217, 2006-Ohio-5948. On motion for stay of judgment. Motion denied.

APPEALS ACCEPTED FOR REVIEW

2006-1703. Hutchings v. Childress.

Delaware App. No. 05CAE05-031, 2006-Ohio-3925. Discretionary appeal accepted and cause consolidated with 2006-2183, *Hutchings v. Childress*, Delaware App. No. 05CAE05-031, 2006-Ohio-3925.

Moyer, C.J., O'Donnell and Lanzinger, JJ., dissent.

2006-1724. In re Loos.

Licking App. No. 06CA1, 2006-Ohio-3932. Discretionary appeal accepted; cause held for the decision in 2006-1074, *In re Spears*, Licking App. No. 2005-CA-93, 2006-Ohio-1920; and briefing schedule stayed.

Pfeifer, J., dissents.

2006-1749. Stoner v. Allstate Ins. Co.

Morrow App. No. 05 CA 16, 2006-Ohio-3998.

Lanzinger, J., dissents.

2006-1808. Talik v. Fed. Marine Terminals, Inc.

Cuyahoga App. No. 87073, 2006-Ohio-3979. Discretionary appeal accepted on Proposition of Law No. I.

Lundberg Stratton, O'Donnell and Lanzinger, JJ., would also accept the appeal on Proposition of Law No. II.

Pfeifer, J., dissents.

O'Connor, J., not participating.

2006-1811. Paterek v. Petersen & Ibold.

Geauga App. No. 2005-G-2624, 2006-Ohio-4179.

Pfeifer, J., dissents.

O'Donnell, J., not participating.

2006-1827. Marich v. Bob Bennett Constr. Co.

Summit App. No. 23026, 2006-Ohio-4242.

Pfeifer, O'Donnell and Lanzinger, JJ., dissent.

2006-1864. Westfield Ins. Co. v. Factfinder Marketing Research, Inc.

Hamilton App. No. C-050580, 2006-Ohio-4380. Discretionary appeal accepted on Proposition of Law No. I.

Lundberg Stratton and O'Donnell, JJ., would also accept the appeal on Proposition of Law No. II.

Moyer, C.J., Pfeifer and Lanzinger, JJ., dissent.

2006-1950. Filippi v. Ahmed.

Cuyahoga App. No. 86927, 2006-Ohio-4368. Discretionary appeal accepted; cause held for the decision in 2005-2137 and 2005-2384, *Gehm v. Timberline Post & Frame*, Summit App. No. 22479, 2005-Ohio-5222; cause consolidated with 2006-1861, *Filippi v. Ahmed*, Cuyahoga App. No. 86927, 2006-Ohio-4368; and briefing schedule stayed.

Lanzinger, J., dissents.

2006-1972. Whipkey v. Aqua Chem, Inc.

Cuyahoga App. No. 88240. Discretionary appeal accepted; cause held for the decision in 2006-1279, *In re Special Docket No. 73958*, Cuyahoga App. Nos. 87777 and 87816; and briefing schedule stayed.

Pfeifer and Lanzinger, JJ., dissent.

2006-1973. State v. Sarkozy.

Cuyahoga App. No. 86952, 2006-Ohio-3977. Discretionary appeal accepted on Proposition of Law No. I.

Pfeifer, Lundberg Stratton and O'Donnell, JJ., dissent.

2006-2035. State v. Lindsey.

Franklin App. Nos. 06AP-189, 06AP-190, and 06AP-191, 2006-Ohio-5203. Discretionary appeal accepted; cause held for the decision in 2006-1245 and 2006-1383, *State v. Payne*, Franklin App. No. 05AP-517, 2006-Ohio-2552; cause consolidated with 2006-2036, *State v. Lindsey*, Franklin App. Nos. 06AP-189, 06AP-190, and 06AP-191, 2006-Ohio-5203; and briefing schedule stayed.

Pfeifer, J., dissents.

2006-2042. State v. Dennis.

Franklin App. No. 05AP-1290, 2006-Ohio-5777. Discretionary appeal accepted on Proposition of Law No. I; cause held for the decision in 2006-1245 and 2006-1383, *State v. Payne*, Franklin App. No. 05AP-517, 2006-Ohio-2552; cause consolidated with 2006-2070, *State v. Dennis*, Franklin App. No. 05AP-1290, 2006-Ohio-5777; and briefing schedule stayed.

Pfeifer, J., dissents.

2006-2094. Burya v. Lake Metroparks Bd. of Park Commrs.

Lake App. No. 2005-L-015, 2006-Ohio-5192. Discretionary appeal accepted on Proposition of Law No. II; cause held for the decision in 2005-1993 and 2005-2032, *Elston v. Howland Local Schools*, Trumbull App. No. 2004-T-0092, 2005-Ohio-4765; cause consolidated with 2006-2078, *Burya v. Lake Metroparks Bd. of Park Commrs.*, Lake App. No. 2005-L-015, 2006-Ohio-5192; and briefing schedule stayed.

Moyer, C.J., and Lundberg Stratton, J., would also accept the appeal on all other Propositions of Law.

Lanzinger, J., would also accept the appeal on Proposition of Law No. I.

Pfeifer, J., dissents.

APPEALS NOT ACCEPTED FOR REVIEW

2006-1206. State v. Bowerman.

Stark App. No. 2004CA00319.

2006-1416. Planin v. Planin.

Geauga App. No. 2005-G-2644, 2006-Ohio-2933.

O'Connor, J., not participating.

2006-1459. State v. Ellison.

Hamilton App. No. C-050553, 2006-Ohio-2620.

O'Donnell, J., dissents and would accept the appeal on Proposition of Law Nos. I and II, reverse the judgment of the court of appeals, and remand the cause for resentencing on the authority of *State v. Foster*, 109 Ohio St.3d 1, 2006-Ohio-856, 845 N.E.2d 470.

2006-1522. Mesek v. Roberts Communications, Inc.

Summit App. No. 22968, 2006-Ohio-3339.

2006-1720. Sansom v. Sansom.

Franklin App. No. 05AP-645, 2006-Ohio-3909.

2006-1732. State v. Rutter.

Muskingum App. No. 2006-CA-0025, 2006-Ohio-4061.

Lanzinger, J., dissents and would accept the appeal on Proposition of Law No. I.

2006-1737. State v. Norris.

Wayne App. No. 05CA0081, 2006-Ohio-4022.

2006-1742. Signer v. Signer.

Cuyahoga App. No. 85666, 2006-Ohio-537 and 2006-Ohio-3580.

2006-1762. Griffin v. Smith.

Summit App. No. 23350. Discretionary appeal not accepted. Motion to exceed page limitation for memorandum in support of jurisdiction denied as moot.

2006-1773. State v. Stuber.

Allen App. No. 1-05-53.

Cupp, J., not participating.

2006-1774. State v. Caddy.

Montgomery App. No. 21290, 2006-Ohio-4149.

2006-1778. State v. Howard.

Hamilton App. No. C-050649.

2006-1785. State v. Cooper.

Marion App. No. 9-06-32.

2006-1791. State v. Arrone.

Greene App. No. 2005 CA 89, 2006-Ohio-4144.

Pfeifer, J., dissents.

2006-1801. State v. Carter.

Clinton App. No. CA2006-03-010, 2006-Ohio-4205.

2006-1802. State v. Keister.

Stark App. No. 2006-CA-00085, 2006-Ohio-4440.

2006-1803. State v. Gibson.

Portage App. No. 2005-P-0066, 2006-Ohio-4182.

O'Connor, J., not participating.

2006-1805. State v. Brown.

Trumbull App. No. 2005-T-0100, 2006-Ohio-4174.

O'Connor, J., not participating.

2006-1807. Chambers v. AKAAS Corp., Inc.

Lorain App. No. 05CA008791, 2006-Ohio-4156.

2006-1809. State v. Scales.

Cuyahoga App. No. 87023, 2006-Ohio-3946.

2006-1812. State v. Singleton.

Montgomery App. No. 21289, 2006-Ohio-4522.

2006-1813. Ohio Patrolmen's Benevolent Assn. v. Fostoria Civil Serv. Comm.

Seneca App. No. 13-06-03, 2006-Ohio-4193.

Cupp, J., not participating.

2006-1817. Peirce v. J.C. Meyer Co., Inc.

Richland App. Nos. 2005-CA-114 and 2005-CA-125, 2006-Ohio-4237.

Pfeifer, J., dissents.

2006-1818. State v. Bivens.

Franklin App. No. 05AP-1270, 2006-Ohio-4340.

2006-1819. State v. Madden.

Franklin App. No. 05AP-149, 2006-Ohio-4224.

2006-1820. State v. Morgan.

Lake App. No. 2005-L-135, 2006-Ohio-4166.

2006-1821. Griffin v. Jones Wenner Ins. Agency, Inc.

Summit App. No. 23381. Discretionary appeal not accepted. Motion to consolidate denied as moot.

2006-1822. Derenberger v. Miller.

Crawford App. No. 3-05-24, 2006-Ohio-4186.

Pfeifer and O'Donnell, JJ., dissent.

Cupp, J., not participating.

2006-1823. Steinke v. Steinke.

Auglaize App. No. 2-05-28, 2006-Ohio-4185.

Cupp, J., not participating.

2006-1826. Sellers v. Liebert Corp.

Franklin App. No. 05AP-1200, 2006-Ohio-4111.

2006-1828. State v. Amerson.

Logan App. No. 8-06-10, 2006-Ohio-4548.

2006-1829. Ols v. Lexington Ridge Homeowners Assn.

Medina App. No. 06CA0060-M.

2006-1830. State v. Woods.

Franklin App. No. 05AP-704.

2006-1833. State v. Halczysak.

Cuyahoga App. No. 87036, 2006-Ohio-3734.

2006-1837. Steubenville v. Wintersville.

Jefferson App. No. 05 JE 33, 2006-Ohio-4381.

2006-1838. Coors v. Fifth Third Bank.

Hamilton App. No. C-050927, 2006-Ohio-4505.

Pfeifer, J., dissents.

2006-1839. State v. Tucker.

Franklin App. No. 05AP-1340, 2006-Ohio-4626.

2006-1840. Thompson v. Campbell.

Hamilton App. No. C-050722.

2006-1842. State v. Mahalati.

Delaware App. No. 06 CAA 04 0027, 2006-Ohio-4697.

2006-1846. Wells v. Bradshaw.

Richland App. No. 06CA35, 2006-Ohio-4636.

2006-1847. State v. Weese.

Huron App. No. H-05-003, 2005-Ohio-3996.

2006-1849. State v. Palmer.

Jefferson App. No. 05 JE 47, 2006-Ohio-4606.

2006-1854. Repede v. Nunes.

Cuyahoga App. Nos. 87277 and 87469, 2006-Ohio-4117.

Pfeifer, J., dissents.

2006-1858. Reihard v. Trumbull Cardiovascular Care, Inc.

Trumbull App. No. 2005-T-0073, 2006-Ohio-4312.

2006-1860. State v. Smith.

Cuyahoga App. No. 87253, 2006-Ohio-4271.

Moyer, C.J., Lundberg Stratton and O'Donnell, JJ., dissent.

2006-1865. Weckbacher v. Sprintcom, Inc.

Stark App. No. 2006 CA 00033, 2006-Ohio-4398.

O'Connor, J., dissents and would accept the appeal on Proposition of Law No. I.

2006-1867. State v. Anderson.

Mahoning App. No. 03 MA 252, 2006-Ohio-4618.

O'Donnell, J., dissents.

2006-1869. State v. Angus.

Franklin App. No. 05AP-1054, 2006-Ohio-4455.

O'Connor, J., dissents and would accept the appeal on Proposition of Law No. III.

2006-1871. State v. Lewis.

Greene App. No. 2005-CA-66, 2006-Ohio-4402.

2006-1872. State v. Tran.

Summit App. No. 22911, 2006-Ohio-4349.

2006-1873. State v. Smith.

Montgomery App. No. 21004, 2006-Ohio-4405.

2006-1874. Dressler v. DaimlerChrysler Corp.

Richland App. No. 2005CA0115, 2006-Ohio-4448.

O'Connor, J., dissents and would accept the appeal on Proposition of Law No. I.

2006-1878. Price v. Telb.

Lucas App. No. L-06-1246.

Lanzinger, J., dissents and would accept the appeal and hold the cause for the decision in 2006-1528 and 2006-1589, *Hubbell v. Xenia*, Greene App. No. 2005 CA 99, 2006-Ohio-3369.

2006-1879. Tablack v. Wellman.

Mahoning App. No. 04-MA-218, 2006-Ohio-4688.

2006-1880. State v. Martin.

Cuyahoga App. No. 87171, 2006-Ohio-4582.

2006-1881. Atkinson v. Portage Area Regional Transp. Auth.

Franklin App. No. 06AP-137, 2006-Ohio-4367.

2006-1882. Highland Hills v. English.

Cuyahoga App. No. 87016, 2006-Ohio-3728.

2006-1885. In re Estate of Marsico.

Lorain App. No. 05CA008811, 2006-Ohio-4413.

Pfeifer, J., dissents.

2006-1886. Parrot v. A.R.E., Inc.

Stark App. No. 2006CA00005, 2006-Ohio-4527.

Pfeifer, J., dissents.

2006-1888. State v. Parks.

Columbiana App. No. 06-CO-40, 2006-Ohio-4604.

2006-1891. Cecil v. Orthopedic Multispecialty Network, Inc.

Stark App. No. 2006 CA 00067, 2006-Ohio-4454.

Pfeifer and O'Donnell, JJ., dissent.

2006-1892. Knapp v. Bayless.

Lorain App. No. 05CA008796, 2006-Ohio-4414.

Lundberg Stratton and O'Connor, JJ., dissent.

2006-1894. Peterman v. Stewart.

Delaware App. No. 05-CAE-12-0082, 2006-Ohio-4671. Discretionary appeal not accepted. Motion to strike notice regarding amicus curiae denied as moot.

2006-1895. Doe v. Leis.

Hamilton App. No. C-050591, 2006-Ohio-4507.

Lundberg Stratton, O'Connor and O'Donnell, JJ., dissent.

2006-1896. State v. Bromagen.

Clermont App. No. CA2005-09-087, 2006-Ohio-4429.

Pfeifer, J., dissents.

2006-1897. Williams v. Williams.

Wyandot App. No. 16-06-09.

Cupp, J., not participating.

2006-1903. Toledo v. Beatty.

Lucas App. No. L-05-1319, 2006-Ohio-4638.

Lundberg Stratton, J., dissents and would accept the appeal on Proposition of Law Nos. I and II.

Lanzinger, J., dissents and would accept the appeal on Proposition of Law No. I.

2006-1904. In re Young.

Ashtabula App. No. 2006-A-0025, 2006-Ohio-4537.

Moyer, C.J., and Pfeifer, J., dissent.

2006-1910. Lutz v. Balch.

Franklin App. No. 06AP-247, 2006-Ohio-4630.

Pfeifer, J., dissents.

2006-1915. Rezack v. Rezack.

Summit App. No. 23004, 2006-Ohio-4471.

2006-1917. Metcalfe v. Akron.

Summit App. No. 23068, 2006-Ohio-4470.

2006-1918. State v. Brooks.

Cuyahoga App. No. 88415.

2006-1921. Mornington Lane Assn., Inc. v. Johnson.

Cuyahoga App. No. 88438.

2006-1923. State v. Davis.

Mahoning App. No. 04 MA 99, 2006-Ohio-4603.

2006-1924. State v. Payne.

Franklin App. No. 05AP-1305, 2006-Ohio-4624.

2006-1926. Fifth Third Bank v. Firststar Bank, N.A.

Hamilton App. No. C-050518, 2006-Ohio-4506.

2006-1937. State v. Perdue.

Hamilton App. No. C-050950.

2006-1940. State v. Villa.

Lorain App. No. 05CA008773, 2006-Ohio-4529.

2006-1951. Zestos v. Powertrain Div., Gen. Motors Corp.

Defiance App. No. 4-06-12, 2006-Ohio-4545.

Cupp, J., not participating.

2006-1962. State v. Weatherspoon.

Richland App. No. 2006 CA 0013, 2006-Ohio-4794.

2006-1966. State v. Johnson.

Hamilton App. No. C-060731.

2006-1978. State v. Carley.

Cuyahoga App. No. 87440.

2006-1984. State v. Weaver.

Hamilton App. No. C-050923, 2006-Ohio-5072.

2006-1993. State v. Vaught.

Summit App. No. 22846, 2006-Ohio-4727.

2006-2003. State v. Buske.

Stark App. No. 2005CA00240, 2006-Ohio-2054.

2006-2004. State v. Martin.

Cuyahoga App. No. 87339, 2006-Ohio-5012.

2006-2008. State v. Simmons.

Cuyahoga App. No. 86499, 2006-Ohio-4751.

Lanzinger, J., dissents and would accept the appeal on Proposition of Law No. VIII.

2006-2010. State v. McCoy.

Hamilton App. No. C-050727.

2006-2016. State v. Dailey.

Cuyahoga App. No. 88644.

2006-2017. State v. Holloway.

Clark App. No. 04CA0070, 2006-Ohio-4797.

2006-2018. State v. Smith.

Montgomery App. No. 21340, 2006-Ohio-5400.

2006-2027. State v. Gross.

Muskingum App. No. CT2005-0001.

2006-2046. State v. Duncan.

Cuyahoga App. No. 87220, 2006-Ohio-5009.

O'Connor, J., dissents and would accept the appeal on Proposition of Law No. II and appoint counsel for appellant.

2006-2060. State v. Brown.

Trumbull App. No. 2004-T-0131, 2006-Ohio-129.

2006-2138. In re Daulton Children.

Tuscarawas App. No. 2006AP070036, 2006-Ohio-5352.

2006-2161. State v. Turnbow.

Stark App. No. 2005CA00026, 2005-Ohio-6702.

2006-2209. State v. Williams.

Franklin App. No. 04AP-279, 2004-Ohio-6254.

RECONSIDERATION OF PRIOR DECISIONS

2005-0331. Whitaker v. M.T. Automotive, Inc.

Summit App. No. 21836, 2004-Ohio-7166. Reported at 111 Ohio St.3d 177, 2006-Ohio-5481, 855 N.E.2d 825. On motion for reconsideration. Motion denied.

O'Donnell, J., dissents.

O'Connor and Cupp, JJ., not participating.

2005-1828. Rose v. Garfield Hts.

Cuyahoga App. Nos. 85420 and 85426, 2005-Ohio-4165. Reported at 111 Ohio St.3d 1209, 2006-Ohio-5698, 855 N.E.2d 1233. On motions for reconsideration of Clarendon National Insurance Company and Ronald and Nikki Rose. Motions denied.

Lundberg Stratton, J., dissents.

Cupp, J., not participating.

2006-0526. State ex rel. Russell v. Thornton.

Wayne App. No. 05CA0082. Reported at 111 Ohio St.3d 409, 2006-Ohio-5858, 856 N.E.2d 966. On motion for reconsideration and motion to strike memorandum of amicus curiae in support of reconsideration. Motion for reconsideration denied. Motion to strike denied as moot.

Moyer, C.J., and Pfeifer, J., dissent.

Cupp, J., not participating.

2006-0738. Disciplinary Counsel v. Manning.

Board of Commissioners on Grievances & Discipline, No. 05-044. Reported at 111 Ohio St.3d 349, 2006-Ohio-5794, 856 N.E.2d 259. On motion for reconsideration. Motion denied.

Cupp, J., not participating.

2006-1518. Huffman v. Bd. of Cty. Commrs.

Columbiana App. No. 05 CO 71, 2006-Ohio-3479. Reported at 111 Ohio St.3d 1492, 2006-Ohio-6171, 857 N.E.2d 1230. On motion for reconsideration. Motion denied.

Lundberg Stratton and O'Connor, JJ., dissent.

Cupp, J., not participating.

2006-1519. Yarab v. Boardman Twp. Bd. of Zoning Appeals.

Mahoning App. No. 04 MA 266, 2006-Ohio-3565. Reported at 111 Ohio St.3d 1492, 2006-Ohio-6171, 857 N.E.2d 1230. On motion for reconsideration. Motion denied.

Cupp, J., not participating.

2006-1520. Lally v. Am. Isuzu Motors, Inc.

Franklin App. No. 05AP-1137, 2006-Ohio-3315. Reported at 111 Ohio St.3d 1492, 2006-Ohio-6171, 857 N.E.2d 1230. On motion for reconsideration. Motion denied.

Pfeifer, J., dissents.

O'Connor and Cupp, JJ., not participating.

2006-1658. State v. Simpson.

Hamilton App. No. C-050798. Reported at 111 Ohio St.3d 1494, 2006-Ohio-6171, 857 N.E.2d 1231. On motion for reconsideration. Motion denied.

Cupp, J., not participating.

2006-1696. MRK Technologies, Ltd. v. Accelerated Sys. Integration, Inc.

Cuyahoga App. No. 87936. Reported at 111 Ohio St.3d 1494, 2006-Ohio-6171, 857 N.E.2d 1231. On motion for reconsideration. Motion denied.

Lundberg Stratton, J., dissents.

Cupp, J., not participating.

2006-2157. State ex rel. Bernard v. Melfi.

In Mandamus. Reported at 112 Ohio St.3d 1401, 2006-Ohio-6442, 858 N.E.2d 428. On motion for reconsideration. Motion denied.

Pfeifer, J., dissents.

Cupp, J., not participating.